

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: April 19, 2006 - KW

Division: County Attorney

Bulk Item: Yes xx No

Department: County Attorney

Staff Contact Person: Bob Shillinger x3470

AGENDA ITEM WORDING:

Rejection of settlement offer by Defendants to settle Monroe County v. Dorothy Hough, et al, CA K 05-667 for \$10,000.

ITEM BACKGROUND:

The County holds a code enforcement lien against a Key Largo property owned by Mrs. Hough and her two adult children. The lien was imposed after the violators built a garage on the property without benefit of a permit. The setbacks were also at issue.

On October 1, 2005 the Defendants brought the property into compliance by demolishing the garage and removing the debris 1237 days (3 ½ years) after the lien was imposed. At \$50 per day for 1237 days, the total fine owed is \$61,850 plus \$100.00 in the code enforcement special master's administrative costs for a total of \$61,950.00. Since it took the filing of an action to foreclose on the property to move the Defendants to achieve compliance, staff recommends that the most the fine should be reduced is 20% exclusive of costs and fees. At 20%, the fine computes to \$12,390.00.

In addition, the County Attorney's office has spent 13.6 hours (@ \$200 per hour per resolution 135-2005) and advanced \$596.00 in costs in the prosecution of this case. If this matter went to judgment as of the agenda deadline, the County would be entitled to claim costs and fees of \$3,316.00. An unknown amount of additional time will be spent regardless of whether this matter is settled today so it is impossible to give a definitive figure for attorney's fees and costs at this time.

PREVIOUS RELEVANT BOCC ACTION:

On 9/17/03, the BOCC authorized collection action; on 9/28/05, the BOCC rejected the owner's offer to settle for \$2,500.00; on 1/18/06, the Board rejected the Defendants' offer to settle for \$4,500 and authorized the County Attorney's office to settle for \$12,470 (20% of the fine) plus all costs and attorney's fees incurred (@\$3,300).

CONTRACT/AGREEMENT CHANGES: n/a

STAFF RECOMMENDATIONS: Rejection of Defendants' offer to settle of \$10,000.00.

TOTAL COST: n/a

BUDGETED: Yes xxx No

COST TO COUNTY: n/a

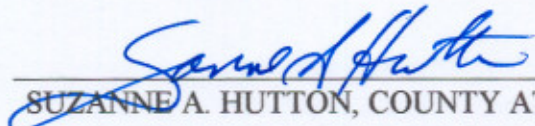
SOURCE OF FUNDS: n/a

REVENUE PRODUCING: Yes xx No

AMOUNT PER MONTH n/a **Year** n/a

APPROVED BY: County Atty xx OMB/Purchasing _____ Risk Management _____

DIVISION DIRECTOR APPROVAL:



SUZANNE A. HUTTON, COUNTY ATTORNEY

DOCUMENTATION: Included _____ Not Required xx

DISPOSITION: _____

AGENDA ITEM # _____

Revised 2/05